IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 25263 of 2004

Between:

The Godavari District Ayurveda Pharmacy Association rep., by its President B.V.Deekshitulu,Rajahmundry, E.G.District.

..... PETITIONER

AND

1 Govt. of Andhra Pradesh, rep., by its Principal Secretary, Ministry of Medical Health, & FW (R.2), Secretariat, Hyderabad.
2 Principal Secretary, Govt. of India, Ministry of Health & F.W Dept. of Indian Systems of Medicines, Homeopathy, Central Secretariat, New Delhi.
3 The Commissioner/Director, Indian Medicine and Homeopathy Department, Licensing Authority, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ or order or direction more particularly one in the nature of writ of MANDAMUS declaring the inaction of the respondent in considering the representation dt.25-10-2004 and without renewing the licence of the petitioner Association units as illegal, arbitrary, and unconstitutional and consequently to direct the respondent authorities to conduct inquiry as against the representation of the association dt. 25-10-2004 and to consider the same and to grant renewal of licenses of the units of the Association of the petitioner and to pass such other order or orders.

Counsel for the Petitioner : GULLAPALLI RADHAKRISHNAN

Counsel for the Respondent Nos.1 & 3 : GP FOR MEDICAL HEALTH & FAMI.WELFARE

Counsel for the 2nd respondent : Mr. A.Rajasekhara Reddy

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.25263 OF 2004

ORAL ORDER :

It is stated that the petitioner Association consists of small units who are manufacturing Ayurveda Medicines under the licences granted by the competent authority. It is claimed that they have been manufacturing the medicines under the Indian Traditional and Approved Sastrik System and therefore it is not necessary for them to possess the Certificate of Good Manufacturing Practices (G.M.P.) described under the Rules framed by the Department of Indian System of Medicine and Homoeopathy. The case of the petitioner is that such G.P.M.P. is mandatory only for the companies which manufacture medicines through mechanised process. However, the respondent authorities have been insisting on conditions of G.M.P. as a condition precedent for renewal of licences granted to the Petitioner Association Units'. In the circumstances, the petitioner association made a representation dated 25-10-2004 before the respondents herein requesting to grant exemption of G.M.P. Conditions and to renew the licences for the forthcoming years without insisting on application of G.M.P. Conditions.

The grievance of the petitioner association in this writ petition is that their request under the Representation dated 25-10-2004 has been merely kept pending by the respondents and no decision has been taken so far. Hence, this writ petition seeking a declaration that the inaction on the part of the respondents is arbitrary and illegal.

I have heard the learned Counsel for the petitioner and the learned Government Pleader for Medical & Health appearing for the respondents.

Since the Representation dated 25-10-2004 is pending before the respondents, without expressing any opinion as to the entitlement of the petitioner association as to the exemption sought by them, I deem it appropriate to dispose of the writ petition with a direction to the respondents to consider the representation of the petitioner dated 25-10-2004 and to pass appropriate orders in accordance with law as expeditiously as possible preferably within a period of four weeks from the date of receipt of this order.

The Writ Petition is accordingly disposed of. No costs.

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21st February, 2005.

gbs

To

1 The Principal Secretary, Govt. of Andhra Pradesh, Ministry of Medical Health, & FW (R.2), Secretariat, Hyderabad.
2 The Principal Secretary, Govt. of India, Ministry of Health & F.W Dept. of Indian Systems of Medicines, Homeopathy, Central Secretariat, New Delhi.
3 The Commissioner/Director, Indian Medicine and Homeopathy Department, Licensing Authority, Hyderabad.

4. Two CCs to G.P. for Medical, Health & Family Welfare, High Court of AP Bldgs, Hyderabad (OUT).

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